

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

---

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 06 2012 ★

CHRISTINE BOKITKO on behalf of herself and  
all other similarly situated consumers

LONG ISLAND OFFICE

Plaintiff,

-against-

**CV-12 3358**

ADMIN RECOVERY, LLC

**MATSUMOTO, J.**

Defendant.

**J. ORENSTEIN, M.J.**

**SUMMONS ISSUED**

---

**CLASS ACTION COMPLAINT**

***Introduction***

1. Plaintiff Christine Bokitko seeks redress for the illegal practices of Admin Recovery, LLC in which it unlawfully engaged in the collection of consumer debts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA").
2. Plaintiff is a citizen of the State of New York who resides within this District.
3. Plaintiff is a consumer as that term is defined by Section 1692(a)(3) of the FDCPA.
4. The alleged debt that Defendant sought to collect from the Plaintiff involves a consumer debt.

Upon information and belief, Defendant's principal place of business is located within Clarence, New York.

6. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

7. Defendant is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692(a)(6).

***Jurisdiction and Venue***

8. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
9. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, within this district.

***Allegations Particular to Christine Bokitko***

10. Upon information and belief, on a date better known by Defendant, Defendant began to attempt to collect an alleged consumer debt from the Plaintiff.
11. On or about March 29, 2012, Defendant sent the Plaintiff a collection letter seeking to collect a balance allegedly incurred for personal purposes.
12. Said letter states in pertinent part as follows: “If you fail to comply with the above terms this office will, without further notice declare the entire balance due and proceed accordingly.”
13. Said language is a threat to take unintended legal action without any further notice or collection attempt, among other unintended and unspecified legal action as well.
14. Upon information and belief, Defendant does not turn over matters to attorney for suit.
15. Upon information and belief, Defendant does not turn over matters involving a modest sum of money such as that of the Plaintiff.
16. Said language can be read with multiple meanings, one of which is false.
17. Said language could be read that the Defendant will not contact the Plaintiff any further

and will turn the matter to an attorney to file suit.

18. The language could be read as involving some other type of unspecified collection activity where the Defendant will proceed without informing the Plaintiff.
19. Consumers are generally concerned about their credit.
20. Said language could be construed to mean that Defendant would report the debt on the Plaintiff's credit reports without further notice to the Plaintiff,
21. Defendant violated §§ 1692e, 1692e(5) and 1692e(10) of the FDCPA by threatening to take action, including legal action against Plaintiff even though Defendant has not and does not intend to take such action and by engaging in deceptive practices.

**AS AND FOR A FIRST CAUSE OF ACTION**

***Violations of the Fair Debt Collection Practices Act brought by Plaintiff on behalf of herself  
and the members of a class, as against the Defendant.***

22. Plaintiff re-states, re-alleges, and incorporates herein by reference, paragraphs one (1) through twenty two (22) as if set forth fully in this cause of action.
23. This cause of action is brought on behalf of Plaintiff and the members of a class.
24. The class consists of all persons whom Defendant's records reflect resided in the State of New York and who were sent a collection letter by Admin Recovery, LLC asserting a debt owed to Wells Fargo/Raymour & Flanigan (a) bearing the Defendant's letterhead in substantially the same form as the letters sent to the Plaintiff on or about March 29, 2012; (b) the collection letter was sent to a consumer seeking payment of a personal debt; and (c) the collection letter was not returned by the postal service as undelivered, and (d) the Defendant threatened to take any action that cannot legally be taken or that is

not intended to be taken by Defendant in violation of 15 U.S.C. §§ 1692e, 1692e(5) and 1692e(10).

25. Pursuant to Federal Rule of Civil Procedure 23, a class action is appropriate and preferable in this case because:
- (a) Based on the fact that form collection letters are at the heart of this litigation, the class is so numerous that joinder of all members is impracticable.
  - (b) There are questions of law and fact common to the class and these questions predominate over any question(s) affecting only individual class members. The principal question presented by this claim is whether the Defendant violated the FDCPA.
  - (c) The only individual issue involves the identification of the consumers who received such collection letters (*i.e.* the class members). This is purely a matter capable of ministerial determination from the records of the Defendant.
  - (d) The claims of the Plaintiff are typical of those of the class members. All of the respective class claims are based on substantially similar facts and legal theories.
  - (e) The Plaintiff will fairly and adequately represent the class members' interests. The Plaintiff has retained counsel experienced in bringing class actions and collection abuse claims. The Plaintiff's interests are consistent with those of the members of the class.
26. A class action is superior for the fair and efficient adjudication of the class members' claims. Congress specifically envisions class actions as a principal means of enforcing

the FDCPA. 15 U.S.C. 1692(k). The members of the class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action.

Prosecution of separate actions by individual members of the classes would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties and would not be in the interest of judicial economy.

27. If the facts are discovered to be appropriate, the Plaintiff will seek to certify a class pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.
28. Collection attempts, such as those made by the Defendant are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

***Violations of the Fair Debt Collection Practices Act***

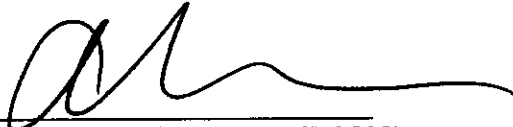
29. The Defendant's actions as set forth above in the within complaint violates the Fair Debt Collection Practices Act.
30. Because the Defendant violated of the Fair Debt Collection Practices Act, the Plaintiff and the members of the class are entitled to damages in accordance with the Fair Debt Collection Practices Act.

WHEREFORE, Plaintiff, respectfully requests that this Court enter judgment in Plaintiff's favor and against the Defendant and award damages as follows:

- (a) Statutory and actual damages provided under the FDCPA, 15 U.S.C. 1692(k);  
And
- (b) Attorney fees, litigation expenses and costs incurred in bringing this action; and
- (c) Any other relief that this Court deems appropriate and just under the

circumstances.

Dated: Cedarhurst, New York  
July 3, 2012

A handwritten signature in black ink, appearing to be 'A. Fishbein', written over a horizontal line.

Adam J. Fishbein, P.C. (AF-9508)

Attorney At Law

**Attorney for the Plaintiff**

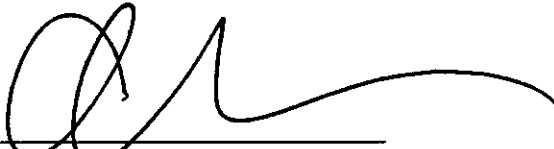
483 Chestnut Street

Cedarhurst, New York 11516

Telephone (516) 791-4400

Facsimile (516) 791-4411

Plaintiff requests trial by jury on all issues so triable.

A handwritten signature in black ink, appearing to be 'A. Fishbein', written over a horizontal line.

Adam J. Fishbein (AF-9508)

**ADMIN RECOVERY, LLC**

9159 Main Street • Clarence, NY 14031  
Telephone 1-866-703-7961 • Facsimile: 1-716-580-3823

March 28, 2012

Christine Bokliko  
2171 60th St Apt 1R  
Brooklyn NY 11204-2500

Account Summary		
Original Creditor WellsFargo		
Account # 5774421091566316	File # 254429	Balance \$2,439.84

Dear Christine Bokliko:

This is a demand for payment of the original debt incurred by you. The debt identified above was sold by WellsFargo, all of your rights and obligations regarding this contract have been assigned to this office.

Your past due contract is currently being reviewed. You may choose to resolve this matter with one of the following options: (1) You may pay the balance in full in the amount of \$2,439.84 with certified funds or; (2) You may contact this office to make an acceptable payment arrangement.

You may contact this office toll free at 1-866-703-7961, Monday through Friday 8:00am – 8:00pm EST. Please refer to the file number indicated above.

Federal law requires we notify you this is an attempt to collect a debt and any information obtained will be used for that purpose.

All payments are to be remitted to: Admin Recovery LLC, 9159 Main Street, Clarence, NY 14031.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days of receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such a judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of original creditor, if different from the current creditor.

Sincerely,

Angelo Marzullo  
General Manager

**PAYMENT OPTIONS**

**www.moneygram.com**  
Our Company Receive Code: 6726  
Account #: 254429

Please Call 1-866-703-7961  
Visa, MasterCard, American  
Express & Discover  
Debit Card  
Check-By-Phone  
(All Free of Charge)

Visa, MasterCard, Discover,  
& American Express  
Check  
Money Order  
(You can use the return envelope  
provided and the bottom portion of this  
notice for your convenience.)

Please detach the lower portion and return with your payment

1473-SFACRE10-AN10-102110

V177000000



9159 Main St  
Clarence NY 14031-1931  
ADDRESS SERVICE REQUESTED

March 28, 2012



254429 - AN10 - 1473  
Christine Bokliko  
2171 60th St Apt 1R  
Brooklyn NY 11204-2500

IF YOU WISH TO PAY BY CREDIT CARD, CIRCLE ONE AND FILL IN THE INFORMATION BELOW.	
<input type="radio"/> VISA	<input type="radio"/> DISCOVER
CARD NUMBER	EXP. DATE
CARD HOLDER NAME	CVV
SIGNATURE	AMOUNT PAID

Original Creditor: WellsFargo  
Account #: 5774421091566316  
Balance: \$2,439.84

Admin Recovery, LLC  
9159 Main St  
Clarence NY 14031-1931

## ADMIN RECOVERY, LLC

9159 Main St.  
Clarence, NY 14031  
1-866-703-7961 ~ Fax (716) 580-3823

CHRISTINE BOKITKO  
2171 60TH ST APT 1R  
BROOKLYN, NY 11204

03/29/2012

ID: 254429  
File#: 5774421091566316  
Balance: \$2,439.84

Original Creditor: Wells Fargo/Raymour & Flanigan

Dear CHRISTINE BOKITKO,

Admin Recovery, LLC has made the decision to offer you an opportunity to make acceptable payment arrangements on your account.

Admin Recovery, LLC has agreed to grant you a continuance on your monthly payment arrangement. We have agreed to set up a payment for \$50.00 on 04/10/2012. Payments of \$50.00 will be due on or before the 10<sup>th</sup> of every month thereafter, starting on 05/10/2012 and ending once the balance is paid in full.

If you fail to comply with the above terms this office will, without further notice, declare the entire balance due and proceed accordingly.

If you have any questions relative to the above referenced arrangement, please do not hesitate to contact our office toll free at 1-866-703-7961, Monday through Friday 8:00am-6:00pm EST. Please refer to the file number indicated above.

All payments are to be remitted to: Admin Recovery LLC, 9159 Main St., Clarence, NY 14031.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR  
THIS IS AN ATTEMPT TO COLLECT A DEBT  
ANY INFORMATION WILL BE USED FOR THAT PURPOSE

  
Respectfully,

Angelo Marzullo  
GM

Admin Recovery, LLC